

**DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES**

CHAPTER 43

SUPPLEMENTAL SECURITY INCOME PAYMENTS

Subchapter 1

**Supplemental Payments to Recipients of
Supplemental Security Income**

Rule 37. 43. 101	Purpose
37. 43. 102	Individual Eligibility for State Supplement
37. 43. 103	Eligibility Based on Living Arrangement
37. 43. 104	Payment Standards

Subchapter 1

Supplemental Payments to Recipients of
Supplemental Security Income

37. 43. 101 PURPOSE (1) A supplemental payment may be made by the state to recipients of supplemental security income for the aged, blind, or disabled under Title XVI of the Social Security Act of the United States as amended (42 USC 1300 et seq.). The purpose of the supplemental payment is to enhance the recipient's ability to be as self-sufficient as possible and to be integrated into the social life of the community. The payment is intended to provide for the basic living needs of recipients who, due to social, physical and environmental factors, cannot currently live independent from special programs and facilities as defined in ARM 37. 43. 103. (History: Sec. 53-2-201, MCA; IMP, Sec. 53-2-204, MCA; NEW, 1982 MAR p. 1281, Eff. 7/1/82; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2294.)

37. 43. 102 INDIVIDUAL ELIGIBILITY FOR STATE SUPPLEMENT

(1) Aged, blind and disabled persons residing in Montana who were, for December, 1973, recipients of assistance or had filed an application and were otherwise eligible for assistance under a state plan approved by the federal government for Title I, X, XIV or XVI of the Social Security Act, are eligible for mandatory state supplemental payments as required by sections 211 and 212 of P.L. 93-66 and by P.L. 93-233.

(a) Eligibility for mandatory state supplemental payments is subject to the limitations of 20 CFR 416.2040 which describes limitations on eligibility. The department hereby adopts and incorporates by reference 20 CFR 416.2040. A copy of the incorporated regulation may be obtained from the Department of Public Health and Human Services, Senior and Long Term Care Division, P.O. Box 4210, Helena, Montana 59604-4210.

(b) The amount of mandatory state supplement to be provided is determined in accordance with 20 CFR 416.2050, 416.2055, 416.2060, 416.2065, 416.2070, 416.2085 and 416.2097 which are federal regulations governing payments under state supplemental programs. The department hereby adopts and incorporates by reference the above cited sections. A copy of the above cited regulations may be obtained from the Department of Public Health and Human Services, Senior and Long Term Care Division, P.O. Box 4210, Helena, Montana 59604-4210.

(2) Persons eligible for optional state supplemental payments are those persons who:

(a) are recipients of federal supplemental security income or who would be eligible to receive federal supplemental security income except for the amount of their income;

(b) reside in one of the facilities described in ARM 37. 43. 103;

(c) are not ineligible under the provisions of 20 CFR 411. 2040 governing limitations on participation in state supplementation programs. The department hereby adopts and incorporates by reference the above cited section. Copies of 20 CFR 411. 2040 can be obtained from the Department of Public Health and Human Services, Senior and Long Term Care Division, P. O. Box 4210, Helena, Montana 59604- 4210;

(d) are financially eligible as provided for in 20 CFR 416. 2001, 416. 2025 and 416. 2047, the federal regulations governing financial eligibility for state supplemental payments. The department hereby adopts and incorporates by reference the above cited sections. Copies of the above cited sections can be obtained from the Department of Public Health and Human Services, Senior and Long Term Care Division, P. O. Box 4210, Helena, Montana 59604- 4210.

(3) The amount of optional state supplement to be provided is determined in accordance with 20 CFR 416. 2025, 416. 2030, 416. 2045, 416. 2095 and 416. 2097, which are federal regulations governing state supplement benefit calculations. The department hereby adopts and incorporates by reference the above cited sections. Copies of the above cited sections can be obtained from the Department of Public Health and Human Services, Senior and Long Term Care Division, P. O. Box 4210, Helena, Montana 59604- 4210.

(4) Applications for optional state supplemental payments are made to the county welfare department. Determination of eligibility is made by the social worker based on residential status. Eligibility shall be redetermined annually.

(5) Financial eligibility and actual payment amount for each individual based on all resources available is determined by the social security administration. (History: Sec. 53-2-201, MCA; IMP, Sec. 53-2-204, MCA; NEW, 1982 MAR p. 1281, Eff. 7/1/82; AMD, 1986 MAR p. 2014, Eff. 12/12/86; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1997 MAR p. 2294.)

37. 43. 103 ELIGIBILITY BASED ON LIVING ARRANGEMENT (1) In order for an individual to receive a state supplement, that individual must be a resident of one of the residential types of service facilities specified and defined in this rule.

(a) Personal care facilities defined by 50-5-101(19)(e), 50-5-225 and 50-5-226, MCA, and licensed by the department of public health and human services in accordance with 50-5-227, MCA, and ARM 16.32.380 through 16.32.388 and which for the purposes of this rule the department of public health and human services determines:

(i) provide personal care to five or more persons;

(ii) provide 24 hour on-duty personal care services that include all of the following:

(A) three nutritious meals daily served in a family setting or separate dining area;

(B) washing and drying of personal clothes and linens with such frequency as to provide for proper hygiene;

(C) protective oversight of residents meaning enhancement of their ability to live in and be integrated into the community and includes recreational activities, social activities, and assurance that individual needs are met;

(D) transportation to medical, social, therapeutic, church and other activities;

(E) preparation of special diets if required by the physician; and

(F) assistance with personal daily living activities as needed, e.g., eating, dressing, shaving, hair care, bathing, and getting in and out of bed.

(iii) provide to the department of public health and human services information and documentation as requested to implement the supplemental payment.

(b) Community homes for the developmental disabled, defined in Title 53, chapter 20, part 3, MCA, and licensed in accordance with ARM Title 37, chapter 100, subchapter 3 by the department of public health and human services.

(c) Group homes for the mentally disabled licensed by the department of public health and human services as rooming houses or retirement homes, having services approved by the Montana department of corrections, and serving only mentally disabled individuals identified by a mental health professional.

(d) Community homes for the severely disabled defined and licensed in accordance with Title 53, chapter 19, part 1, MCA.

(e) Foster care homes defined in Title 53, chapter 5, part 3, MCA, or Title 11, chapter 5, part 3, MCA, and licensed in accordance with ARM Title 37, chapter 100, subchapter 1, or ARM Title 37, chapter 97, subchapter 1, by the department of public health and human services.

(f) Transitional living services to developmentally disabled approved by the department of public health and human services as an intermediate step between the group home and independent living which promotes movement out of the group home. The program consists of clients living in congregate apartments with a staff person usually living at the complex for supervision or at least 24 hour on call availability of assistance. Staff is provided to train and supervise the clients to help them develop their skills to a higher level in such areas of daily living as cooking, shopping, and cleaning. (History: Sec. 52-1-103 and 52-1-104, MCA; IMP, Sec. 52-1-104, MCA; NEW, 1982 MAR p. 1281, Eff. 7/1/82; AMD, 1986 MAR p. 2014, Eff. 12/12/86; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; AMD, 1988 MAR p. 978, Eff. 5/27/88; TRANS, from DFS, 1997 MAR p. 2294.)

37. 43. 104 PAYMENT STANDARDS (1) The department of public health and human services has set the following monthly maximum payment standards of state supplement per client for each of the five facilities listed in ARM 37. 43. 103:

- (a) personal care facilities - \$94.00;
- (b) community homes for the developmentally disabled - \$94.00;
- (c) group homes for the mentally disabled - \$94.00;
- (d) community homes for the severely disabled - \$94.00;
- (e) foster care homes - \$52.75;
- (f) transitional living services to developmentally disabled - \$26.00.

(2) The payments will be administered by the federal social security administration according to a state-federal agreement.

(3) A recipient must receive for personal needs a minimum amount of \$40 total from the state supplement and the federal supplemental security income per month.

(4) The payment standards in (1) are retroactively effective July 1, 1983. (History: Sec. 52-1-103 and 52-1-104, MCA; IMP, Sec. 52-1-104, MCA; NEW, 1982 MAR p. 1281, Eff. 7/1/82; AMD, 1983 MAR p. 1269, Eff. 9/16/83; AMD, 1986 MAR p. 2014, Eff. 12/12/86; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; AMD, 1988 MAR p. 978, Eff. 5/27/88; TRANS, from DFS, 1997 MAR p. 2294.)

Chapter 44 reserved